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CM APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	Attorney ATTORNEY DOCKET NO.
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09/334,327 06/16/99 PERKINS

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LMC1/0823

EXAMINER

PARDO, T

ART UNIT

PAPER NUMBER

2771

DATE MAILED: 08/23/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/334,327

Applicant(s)

Perkins

Examiner

Thuy Pardo

Group Art Unit
2771



☒ Responsive to communication(s) filed on Jun 16, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-36 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-3, 16, 17, 19-21, 34, and 35 is/are rejected.

☒ Claim(s) 4-15, 18, 22-33, and 36 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 02

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

1. Claims 1-36 are presented for examination.

Claim Objections

2. Claims 1 and 19 are objected to because of the following informalities: there are both indefinite and definite articles "a" and "the" before "particular query" [claims 1 and 19, lines 5].
Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In regard to claims 1 and 19, the feature of "said traditional calculation" is not defined in the claims. The meaning of "traditional calculation" is unclear in this context. But in the interest of the compact prosecution, assume the feature of "said traditional calculation" is defined by "calculating the relevancy of a resource based on a particular query".

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 37 1© of this title before the invention thereof by the applicant for patent.

6. Claims 1-3, 16-17, 19-21, and 34-35 are rejected under 35 U.S.C. § 102(e) as being anticipated by **Culliss** patent no. 6,014,665.

7. As to claim 1, Culliss teaches the invention substantially as claimed, comprising:

implementing a particular user query [col. 4, lines 10-25; ab];

calculating the relevancy of a resource based on the particular query [A1 and A3 are associated with the matched key terms, col. 4, lines 12-30, 50 to col. 5, lines 10; ab];

rating, by multiple users, said calculation of relevancy of the resource [col. 8, lines 40-50];

collecting said ratings from said multiple users, and incorporating said collected ratings into calculation of relevancy of the resource so that said traditional calculation methods are refined and more accurate [col. 8, lines 59-67].

8. Claim 19 is a corresponding apparatus of claim 1; therefore, it is rejected under the same rationale.

9. As to claims 2 and 20, Culliss teaches the invention substantially as claimed. Culliss further teaches creating multiple profiles per user and incorporating said multiple profiles per user into said calculation of relevancy of the resource [col. 12, lines 25-39; col. 19, lines 6-32].

10. As to claims 3 and 21, Culliss teaches the invention substantially as claimed. Culliss further teaches:

providing an Internet search engine to the multiple users, with said search engine performing said calculating of relevancy, said calculating based on traditional methods [search engine, col. 4, lines 13-36; col. 3, lines 44-55];

formulating, through the use of said search engine calculated relevancy, a query result list of proposed resources to visit in response to the particular query [search result list articles A1 and A3, col. 4, lines 20-35];

supplying said query result list to the multiple users [search result list articles A1 and A3 to the user 1, col. 4, lines 10-25 and the user 2, col. 8, lines 40-50];

prompting each of the multiple users to visit resources on said query result list and rate the resources visited in response to the particular query [col. 4, lines 60-64];

gathering a set of evaluations from each of the multiple users who have rated said visited resources [col. 8, lines 59-67]; and

modifying said calculation of said search engine relevancy for said visited resources particular query based on said set of evaluations [col. 10, lines 42 to col. 12, lines 39].

11. As to claims 16 and 34, Culliss teaches the invention substantially as claimed. Culliss further teaches that implementing anti-spamming measures to prevent rogue said feedback from adversely affecting said search engine relevancy rating system [col. 12, lines 25-30].

12. As to claims 17 and 35, Culliss teaches the invention substantially as claimed. Culliss further teaches providing a web browser modified to accept user evaluations and transmitting gathered evaluation to said search engine [col. 18, lines 18-66].

Allowable Subject Matter

13. Claims 4-15, 18, 22-33, and 36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

14. As to claims 4 and 22, providing, to a user, a means for creating multiple profiles consisting of various demographic and psychographic data, the user is any one of the multiple users; creating, by the user, said multiple profiles; selecting one profile from said multiple profiles; and selecting one profile prior to submitting the particular query, taken together with other limitations of claims 1 and 3, or 19 and 21 were not disclosed by the prior art of record.

Claims 5-15 and 23-33 being further limiting to claims 4 and 22 are also objected to.

As to claims 18 and 36, Culliss teaches the invention substantially as claimed. Culliss further teaches providing a first web form on the search engine home page, providing a second web form on the search engine results page, and transmitting to said search engine said gathered evaluations, taken together with other limitations of claims 1 and 3, or 19 and 21 were not disclosed by the prior art of record.

15. Further references of interest are cited on Form PTO-892 which is an attachment to this office action.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy Pardo, whose telephone number is (703) 305-1091. The examiner can normally be reached Monday through Thursday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas G. Black, can be reached at (703) 305-9707. The fax phone number for this Group is (703) 308-6306.

Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

17. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

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Serial Number: 09/334,327
Art Unit: 2771

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or faxed to:


(703) 308-9051, (for formal communications intended for entry)

Or:

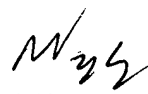
~~(703) 308-5359, (for informal or draft communications, please label~~

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA.,
Sixth Floor (Receptionist).



Thuy Pardo
August 18, 2000



WAYNE AMSBURY
PRIMARY PATENT EXAMINER